

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Vs.)	Crim. No. 05-30017
)	
CARLOS MARRERO)	
)	
Defendant.)	
_____)	

DEFENDANT'S PETITION FOR RELEASE FROM PRETRIAL DETENTION

The defendant, CARLOS MARRERO, asserts changed circumstances in the form of additional sureties and developments that can have the effect of reducing his potential sentence in the event he is convicted or pleads guilty.

Background

1. Mr. Marrero has been charged in an indictment dated April 14, 2005, with two counts of possession with intent to distribute cocaine base in the form of crack cocaine in violation of 21 U.S.C. s 841.
2. The Government moved for detention pursuant to 18 U.S.C. s 3142(e) and (f), asserting the defendant presents a risk of flight and a danger to the community. On April 15, 2005 the court allowed the Government's motion without prejudice. Defendant subsequently pursued a motion for conditional release.
3. At the detention hearing, the Government maintained that Mr. Marrero posed both a serious risk of flight and a danger to the community. The defendant proposed strict conditions of release to serve as a reasonable guard against the risk of flight; including posting his family home in Chicopee, MA.

4. On July 25, 2005 the Magistrate Judge denied Mr. Marrero's motion. Stating in his Findings of Facts, section E; the Magistrate Judge most importantly challenged the likelihood that the posting of his family home would be sufficient to guard against the risk of flight. The magistrate suggested that Mr. Marrero's fiancée would bear the brunt of the financial risk while the defendant himself would risk very little if he chose to flee.

Argument

In response to the Magistrate's order, defendant states that he and his family are willing to post the following items in order to secure his release:

1. Defendant will sign an unsecured surety in the amount of \$10,000;
2. Defendant's mother and father will sign a surety in the amount of \$50,000 secured by the mortgage on their home in Florida (Exhibit A to be filed by hand) and defendant's mother will travel from Florida to attend the detention hearing in order to address the Magistrate's concerns;
3. Defendant's fiancée (Shelly Rivera) will sign a surety in the amount of \$50,000 secured by the mortgage on her home in Chicopee, MA (Exhibit B to be filed by hand);
4. Defendant's brother, Raphael Marrero will sign a personal surety in the amount of \$5,000.00;
5. Defendant will adhere to strict conditions of release, including home incarceration and electronic monitoring.

Wherefore, defendant respectfully requests a hearing on his petition and upon hearing, revocation of the detention order and entry of an order establishing conditions of release.

Date: 12-20-05

Respectfully submitted,
CARLOS MARRERO

/s/ Linda J. Thompson
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Certificate of Service

The undersigned hereby certifies that a true copy of the foregoing motion was served on AUSA Tom O'Connor by ECF on December 20, 2005.

/s/ Linda J. Thompson

Linda J. Thompson, BBO#496840